

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

1789 Foundation, Inc. d/b/a
Citizen AG, *et al.*,

Plaintiffs,

v.

Secretary Al Schmidt, *et al.*,

Defendants.

No. 3:24-cv-1865

Hon. Robert D. Mariani

PROPOSED ORDER

AND NOW, this ____ day of _____, 2024, for good cause shown and for the reasons set forth in the Motion, it is hereby ORDERED that the Motion to Dismiss is GRANTED.

J.

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Secretary Al Schmidt, *et al.*,

Defendants.

No. 3:24-cv-1865

Hon. Robert D. Mariani

DEFENDANT SCHMIDTS' MOTION TO DISMISS

Defendant Secretary Al Schmidt respectfully moves to dismiss this case pursuant to Federal Rules of Civil Procedure 12(b)(1) and (6), based on Lack of subject matter jurisdiction and Plaintiff's failure to state a claim upon which relief can be granted. Pursuant to Local Rule 7.5, Defendant will file a supporting brief within 14 days of the date of this motion.

December 30, 2024

Respectfully submitted,

/s/ Thomas P. Howell

Thomas P. Howell (PA ID 79527)

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Counsel for Defendant Al Schmidt

CERTIFICATE OF COMPLIANCE PURSUANT TO LOCAL RULE
7.1

I, Thomas P. Howell, counsel for Defendant, certify that, pursuant to Local Rule 7.1, I counsel in this litigation to seek their concurrence to this motion. The Intervenor and co-Defendant concur with the relief requested in this motion. As of December 30, 2024, I have not received a response from Plaintiffs.

Date: December 30, 2024

/s/ Thomas P. Howell
Thomas P. Howell
Counsel for Defendant

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing was served on all counsel of record on December 30, 2024, by this Court's CM/ECF system.

/s/ Thomas P. Howell
THOMAS P. HOWELL